

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CITY OF BREVARD, NORTH  
CAROLINA, on its own behalf and  
on behalf of all others similarly  
situated,**

**Plaintiff,**

**vs.**

**HCA HEALTHCARE, INC., HCA  
MANAGEMENT SERVICES, LP,  
HCA, INC., MH MASTER HOLDINGS,  
LLLP, MH HOSPITAL MANAGER,  
LLC, MH MISSION HOSPITAL, LLLP,  
ANC HEALTHCARE, INC. f/k/a  
MISSION HEALTH SYSTEM, INC.,  
and MISSION HOSPITAL, INC.,**

**Defendants.**

**CIVIL CASE NO.  
1:22-cv-00114-MR-WCM**

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**BUNCOMBE COUNTY, NORTH  
CAROLINA and CITY OF  
ASHEVILLE, NORTH CAROLINA,  
on their own behalf and on behalf  
of all others similarly situated,**

**Plaintiffs,**

**vs.**

**HCA HEALTHCARE, INC., HCA  
MANAGEMENT SERVICES, LP,  
HCA, INC., MH MASTER HOLDINGS,  
LLLP, MH HOSPITAL MANAGER,  
LLC, MH MISSION HOSPITAL, LLLP,**

**CIVIL CASE NO.  
1:22-cv-00147-MR-WCM**

ANC HEALTHCARE, INC. f/k/a           )  
MISSION HEALTH SYSTEM, INC.,       )  
and MISSION HOSPITAL, INC.,       )  
  )  
  Defendants.       )  
\_\_\_\_\_ )

**ORDER**  
**AND INITIAL CASE MANAGEMENT PLAN**

**THIS MATTER** is before the Court on the “Joint Motion of Plaintiffs and Defendants to Consolidate and for Entry of Initial Case Management Order.” [Civil Case No. 1:22-cv-00114-MR-WCM, Doc. 41].

Rule 42 of the Federal Rules of Civil Procedure provides that the Court may consolidate two civil actions if they involve “a common question of law or fact.” Fed. R. Civ. P. 42(a)(2). The Court finds that these two civil actions involve common questions of law and fact such that consolidation is appropriate.

**IT IS, THEREFORE, ORDERED** that the “Joint Motion of Plaintiffs and Defendants to Consolidate and for Entry of Initial Case Management Order” [Civil Case No. 1:22-cv-00114-MR-WCM, Doc. 41] is **GRANTED**, and Civil Case No. 1:22-cv-00114-MR-WCM and Civil Case No. 1:22-cv-00147-MR-WCM are hereby **CONSOLIDATED** for all purposes up to and including trial before the undersigned. Civil Case No. 1:22-cv-00114-MR-WCM is designated as the lead case, and Civil Case No. 1:22-cv-00147 shall be

closed. Pursuant to Local Civil Rule 42.1, all future pleadings will be docketed and filed in the designated lead case only.

**IT IS FURTHER ORDERED** that any counsel who has been admitted pro hac vice in Civil Case No. 1:22-cv-00114-MR-WCM and Civil Case No. 1:22-cv-00147-MR-WCM shall be admitted pro hac vice in the designated lead case, Civil Case No. 1:22-cv-00114-MR-WCM, and any counsel not so admitted may file an application to be admitted pro hac vice in the designated lead case.

**IT IS FURTHER ORDERED** that the parties shall follow the following initial case management plan to govern the filing of Plaintiffs' Consolidated Class Action Complaint and Defendants' anticipated response:

(1) All papers filed in this action shall be filed under Civil Case No. 1:22-cv-00114-MR-WCM, the designated lead case, and must bear the following case name: In re Mission Health Antitrust Litigation;

(2) Plaintiffs shall file a Consolidated Class Action Complaint (the "Consolidated Complaint") by August 19, 2022;

(3) Plaintiffs' filing of the Consolidated Complaint shall not prejudice their ability to amend as of course under Federal Rule of Civil Procedure 15(a)(1);

(4) Defendants shall respond to the Consolidated Complaint, including by filing any motion(s) pursuant to Federal Rule of Civil Procedure 12, by September 9, 2022;

(5) Plaintiffs' opposition(s) to any such motion(s) filed pursuant to Rule 12 shall be filed by October 14, 2022;

(6) Any reply in support of Defendants' motion(s) shall be filed by November 4, 2022;

(7) Defendants' brief(s) in support of motion(s) filed pursuant to Rule 12 and Plaintiffs' brief(s) in opposition to Defendants' motion(s) shall each not exceed 25 pages. Defendants' reply brief(s) shall each not exceed 10 pages. Briefs must be double spaced and in at least 14 point type.

**IT IS SO ORDERED.**

Signed: August 6, 2022

  
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Martin Reidinger  
Chief United States District Judge

